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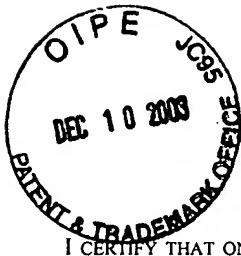
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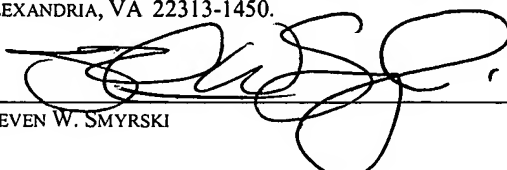
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**PATENT**  
Atty Docket No. AMO0007

I CERTIFY THAT ON DECEMBER 8, 2003, WHICH IS THE DATE I AM SIGNING THIS CERTIFICATE, THIS CORRESPONDENCE AND IDENTIFIED ENCLOSURES ARE BEING DEPOSITED IN THE UNITED STATES POSTAL SERVICE, POSTAGE PAID FIRST CLASS, IN AN ENVELOPE ADDRESSED TO: MAIL STOP MISSING PARTS, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.

  
STEVEN W. SMYRSKI

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

MARK E. STEEN ET AL.

Title: SYSTEM AND METHOD FOR  
MODULATED SURGICAL PROCEDURE  
IRRIGATION AND ASPIRATION

Serial No.: 10/619,088

Filed: July 14, 2003

Group Art Unit: 3739

Examiner: Unassigned

**PETITION TO ACCORD FILING DATE TO UTILITY APPLICATION**

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the "Notice to File Missing Parts of Nonprovisional Application," mailed October 9, 2003 ("the Notice"), Applicants hereby petition for acceptance of all 22 sheets of drawings, including sheet 19 (FIG. 18), and that the present application be accorded the July 14, 2003 filing date.

The Notice indicates that a filing date was not accorded the application because the application was allegedly filed without sheet 19 of the 22 sheets of drawings. Applicants did in fact enclose all 22 sheets of drawings, including sheet 19, with the filing made on July 14, 2003.

Attached hereto as Exhibit A are photocopies of the 22 sheets of drawings filed with the application on July 14, 2003, including sheet 19. The 22 sheets of drawings include at the top the Title of the application, Attorney name, the Attorney's internal docket number, and the sheet number and total number of sheets provided.

Attached hereto as Exhibit B is a photocopy of the postcard as mailed with the application in accordance with standard PTO practice. The postcard indicates inclusion of, *inter alia*, 22 sheets of informal drawings.

Attached hereto as Exhibit C is a photocopy of the Certificate of Mailing for the above-entitled application. On the Certificate of Mailing, Applicant's attorney (the undersigned of this petition) certified that 22 sheets of informal drawings were deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service with sufficient postage under 37 CFR 1.10, and properly addressed to the Commissioner, on July 14, 2003. Thus the 22 sheets of Exhibit A were certified to have been mailed via Express Mail on July 14, 2003 in accordance with 37 CFR 1.10.

Applicants respectfully submit that the 22 sheets of drawings presented here as Exhibit A were submitted with the complete application on July 14, 2003. Applicants included reference to the 22 sheets on the postcard of Exhibit B. Further, Applicants' legal representative certified that the 22 sheets of drawings were included in the July 14, 2003 Express Mailing, and submitted in accordance with 35 USC 1.10.

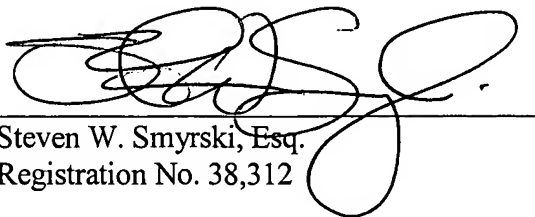
### CONCLUSION

Applicants submitted all 22 sheets of drawings in a timely manner, including sheet 19 (FIG. 18). Applicants do not know why the PTO may have only received 21 sheets of drawings. Applicants therefore request that the July 14, 2003 filing date be accorded the above entitled application.

Applicants believe that this petition was not required by any action or inaction of the Applicants. Applicants acted properly in all respects and submitted all required materials in a timely manner. Applicants therefore request a waiver of the \$130.00 petition fee.

Should the Commissioner be of the opinion that a waiver of the petition fee is not proper in these circumstances, the Commissioner is authorized to charge the \$130.00 petition fee and any additional amounts due in connection with this matter to our Deposit Account 502026. Should the Commissioner charge the aforementioned Deposit Account, Applicants request review and consideration of the enclosed Request for Refund.

Respectfully submitted,



Steven W. Smyrski, Esq.  
Registration No. 38,312

Date: December 8, 2003

SMYRSKI & LIVESAY, LLP  
3310 Airport Avenue, SW  
Santa Monica, California 90405-6118  
Phone: 310.397.9118  
Fax: 310.397.9158

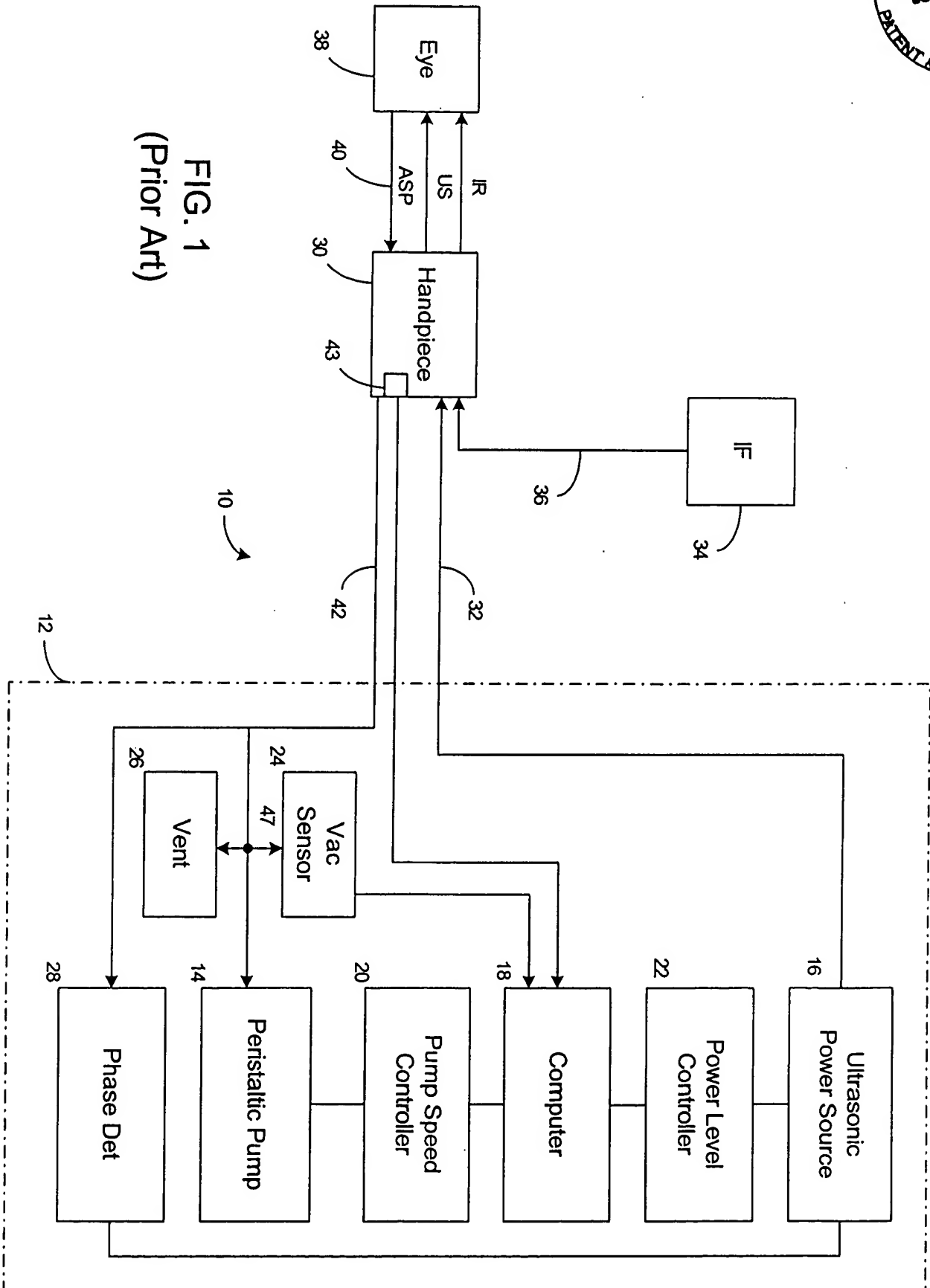
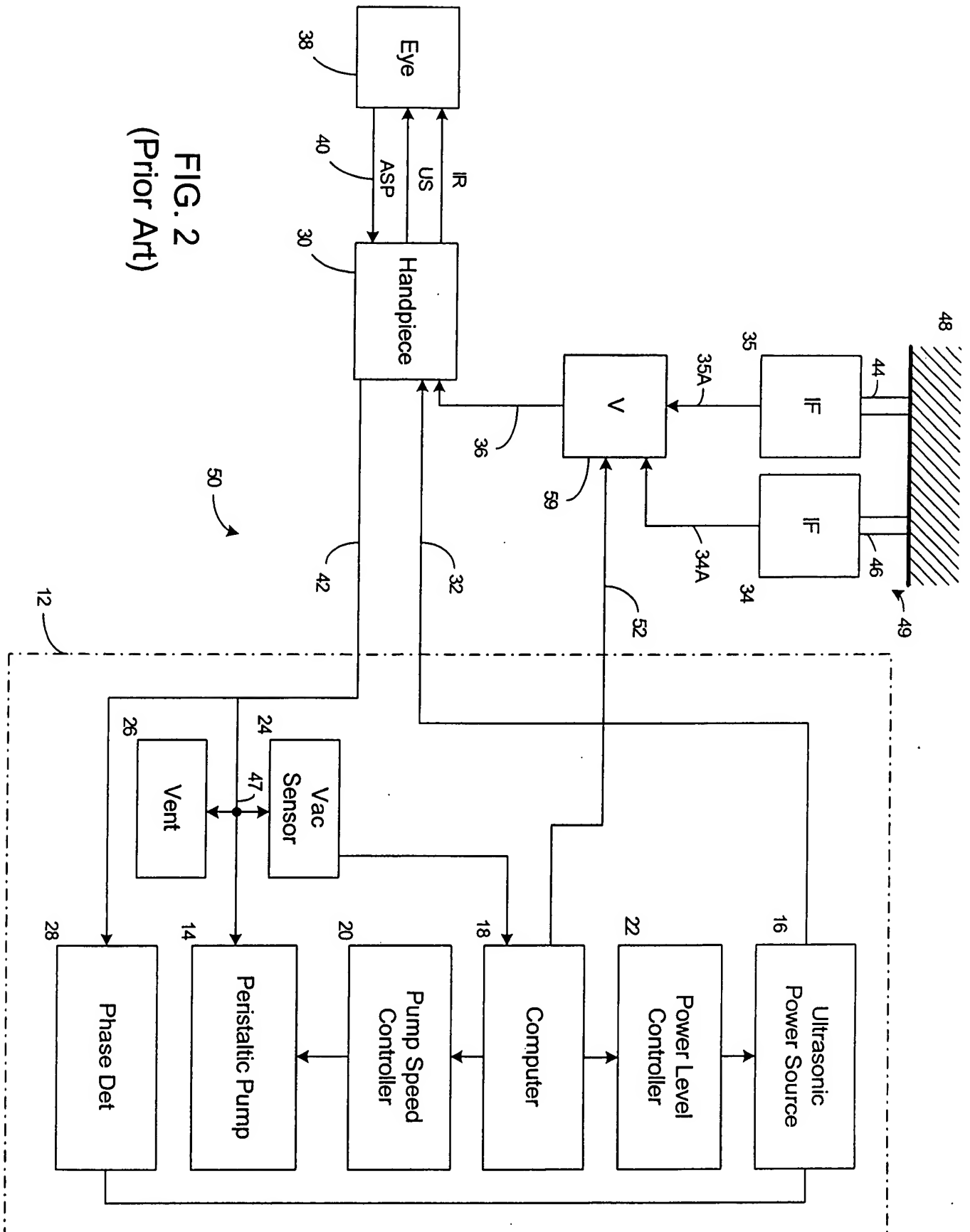
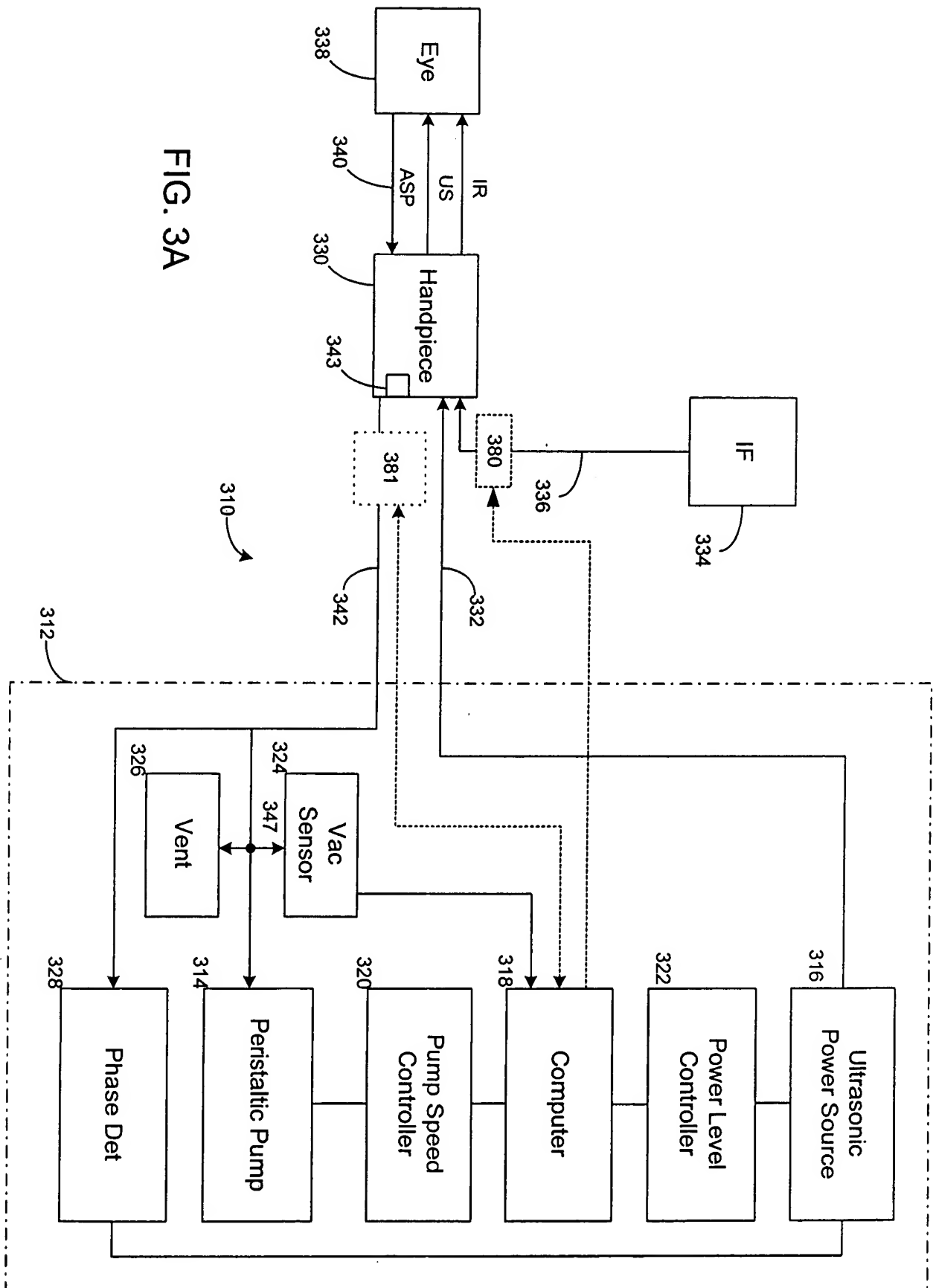
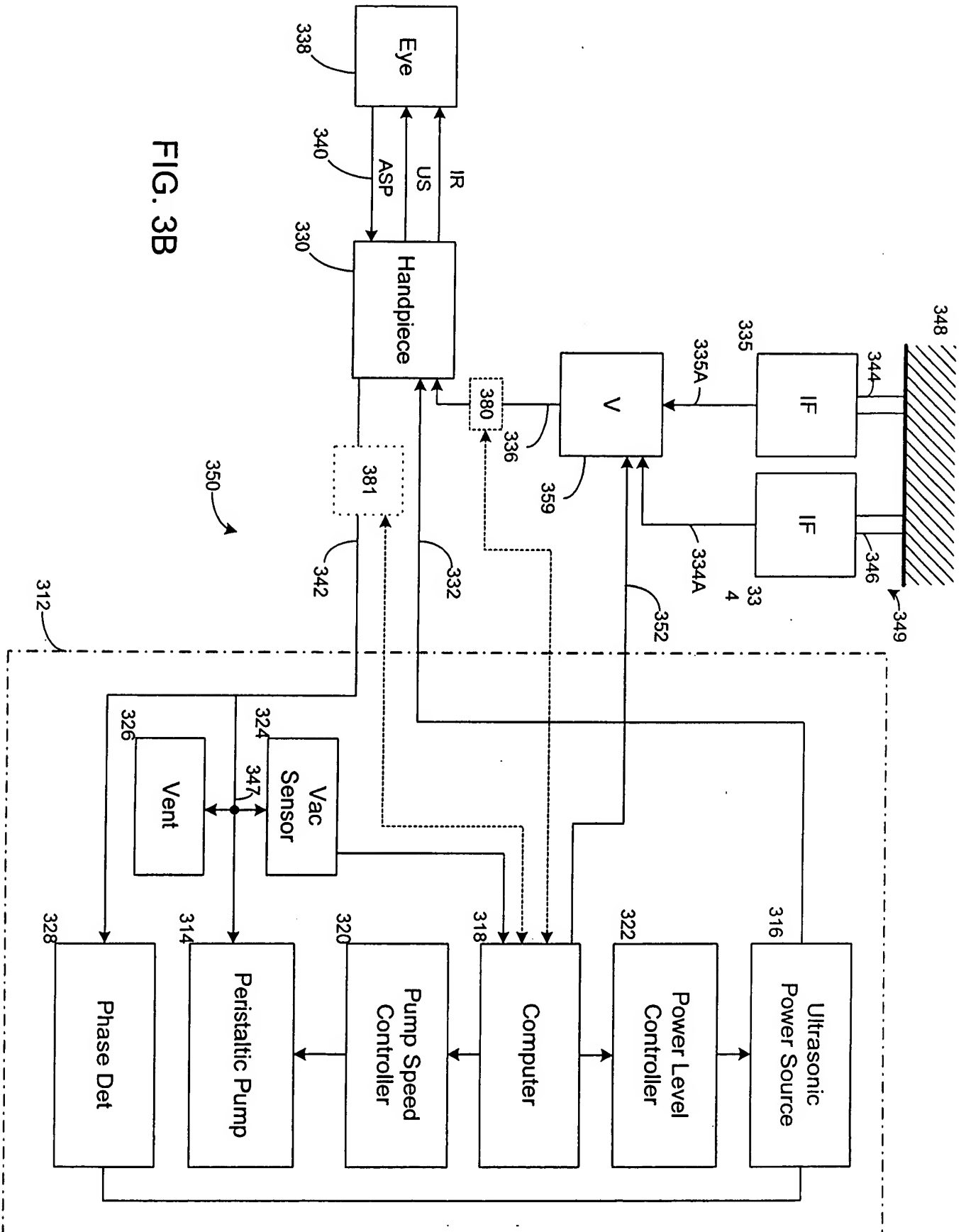


FIG. 1  
 (Prior Art)









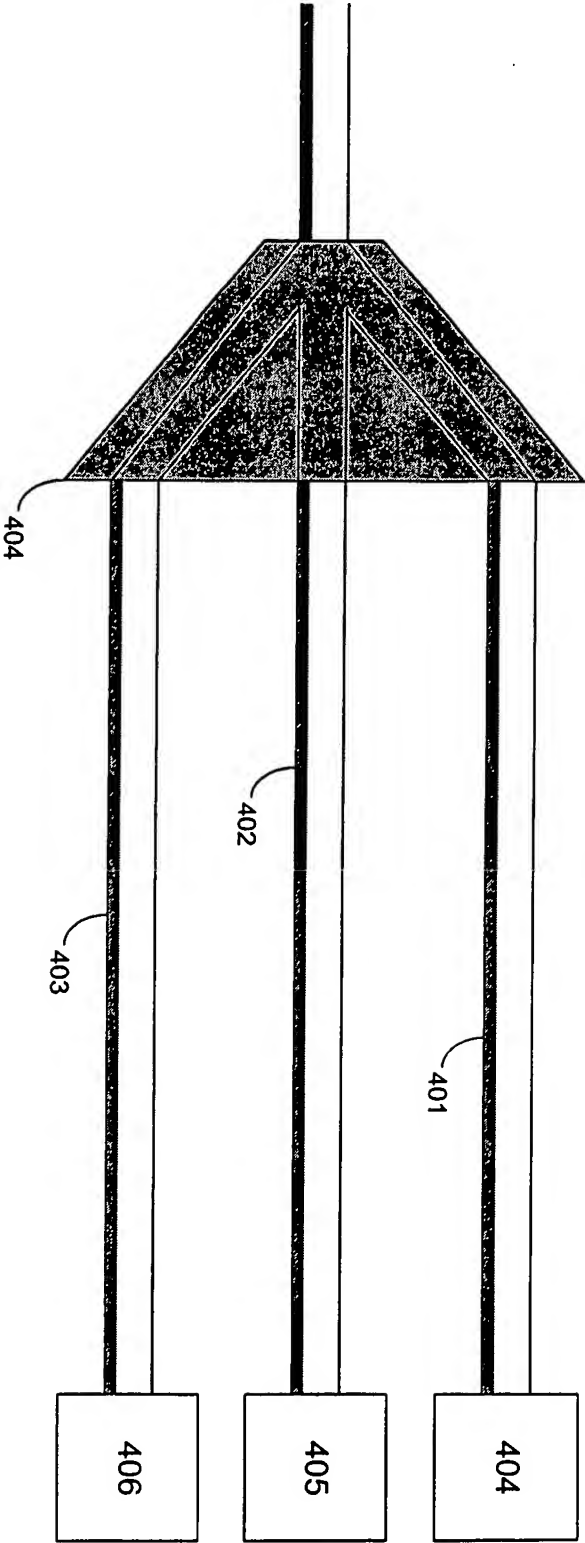


FIG. 4

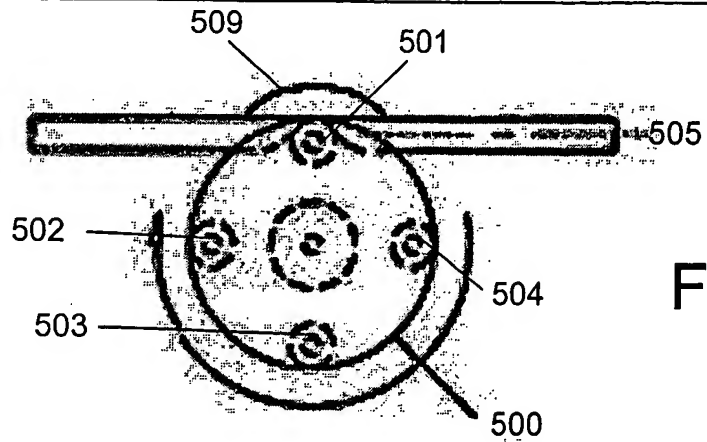


FIG. 5A

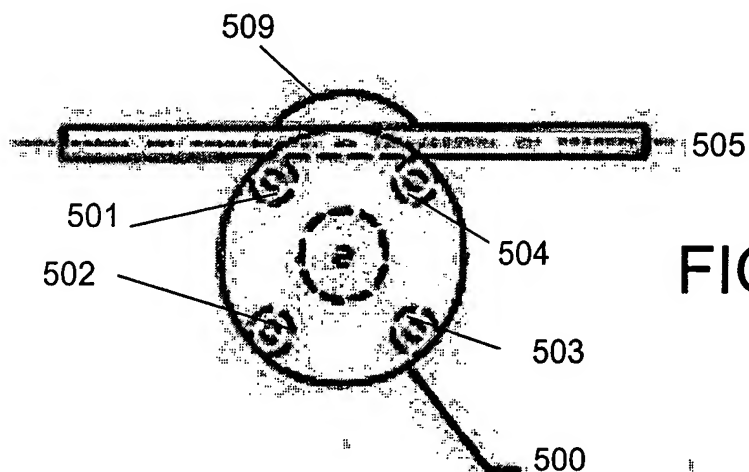


FIG. 5B

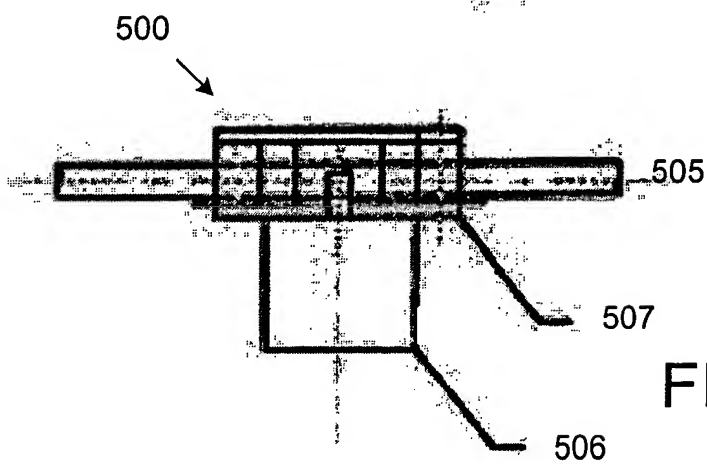


FIG. 5C

FIG. 5

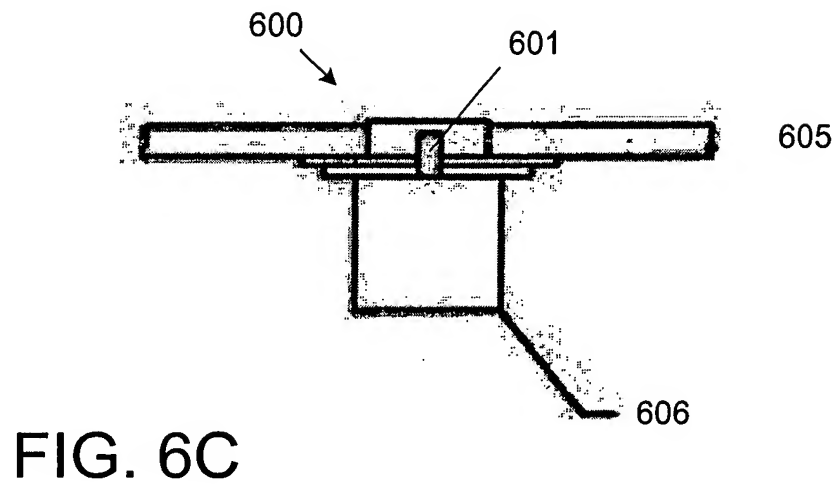
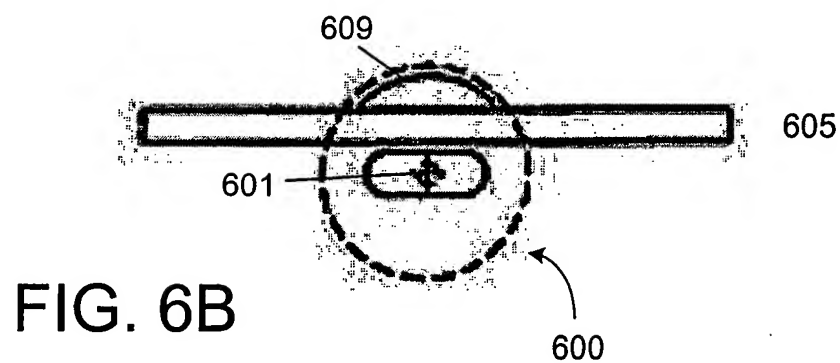
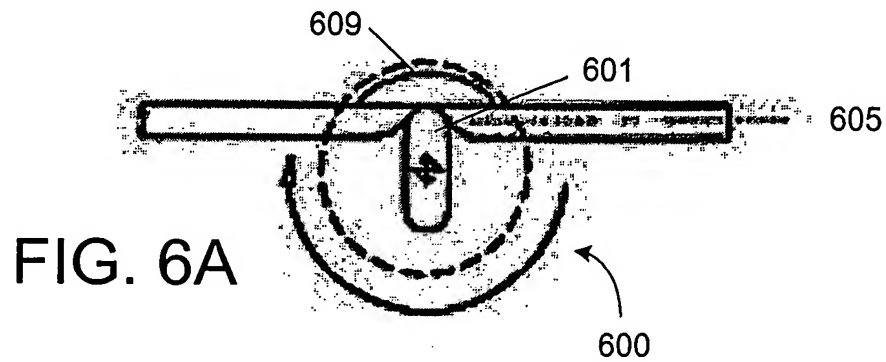


FIG. 6

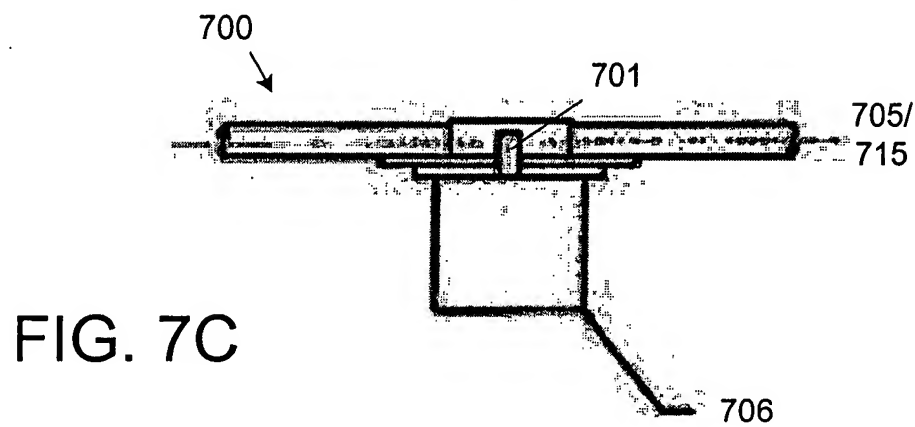
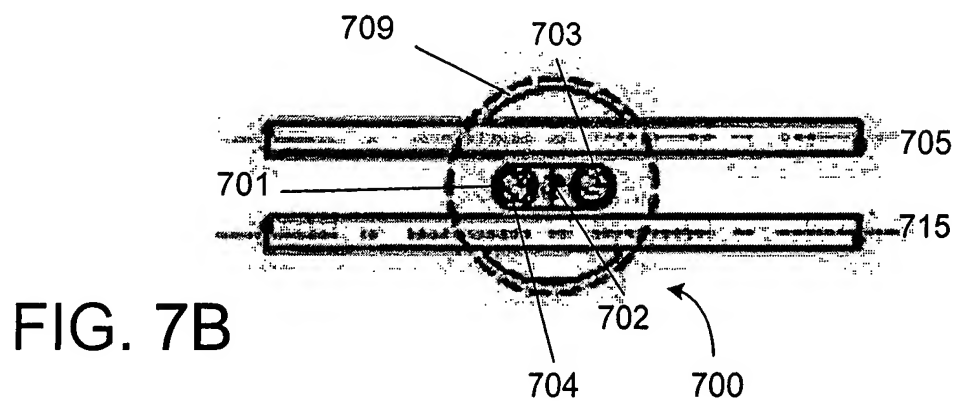
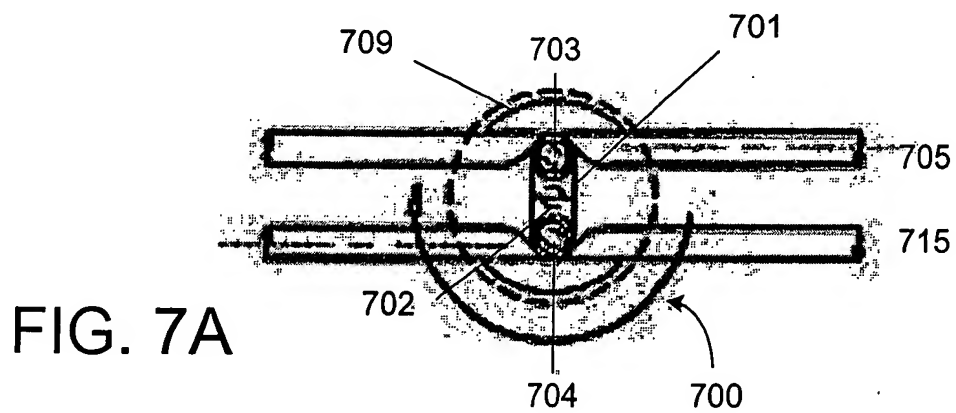


FIG. 7

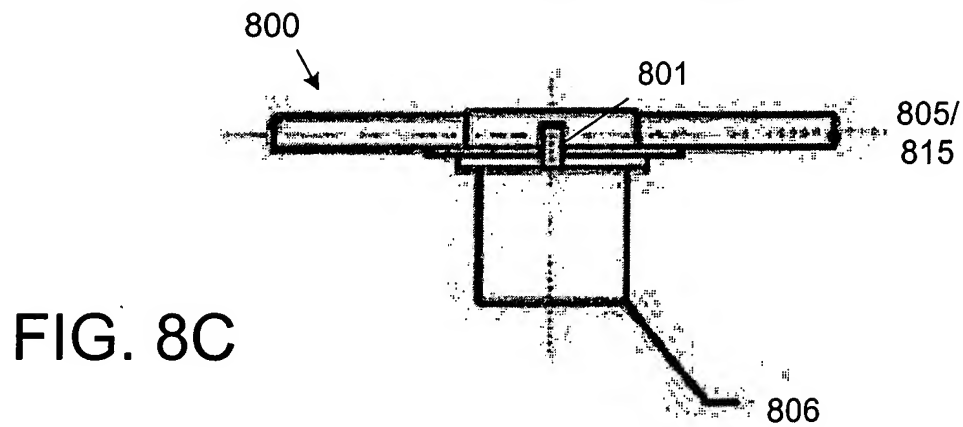
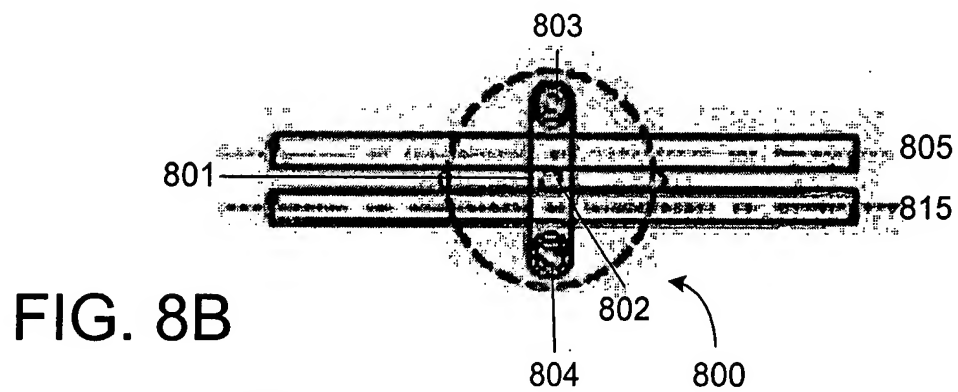
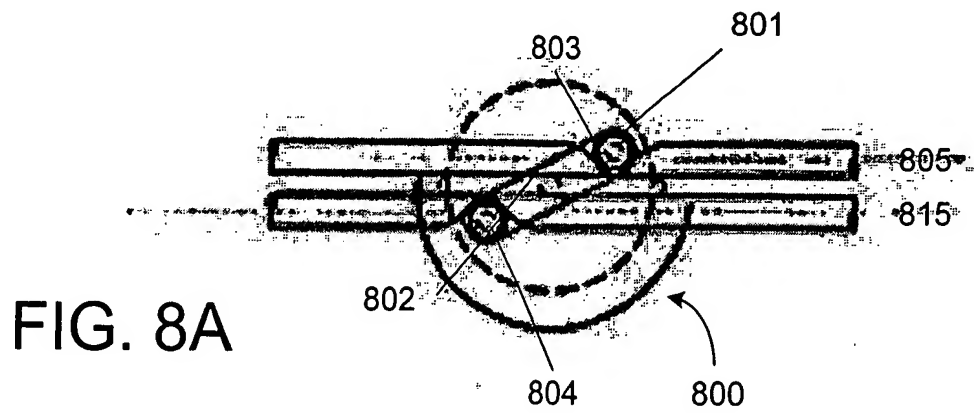


FIG. 8

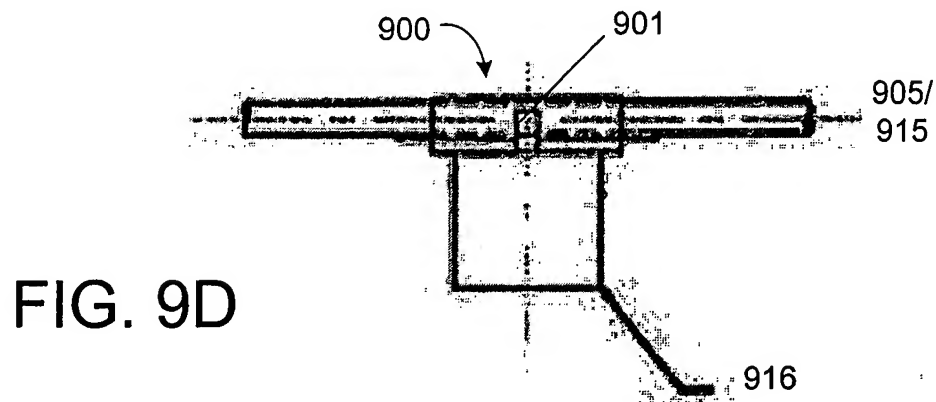
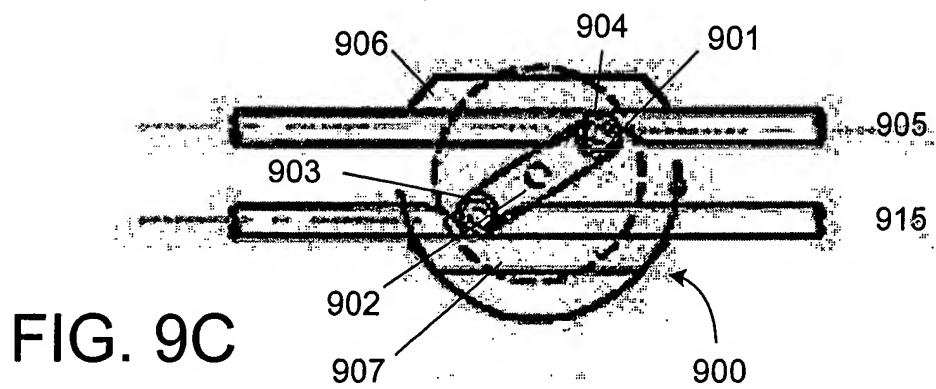
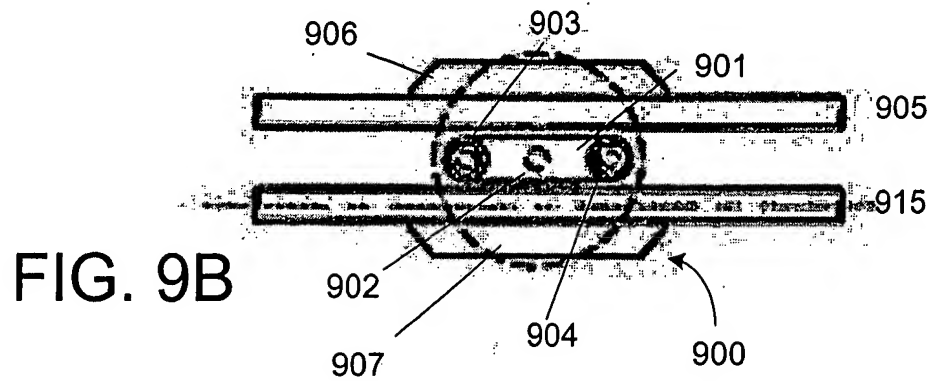
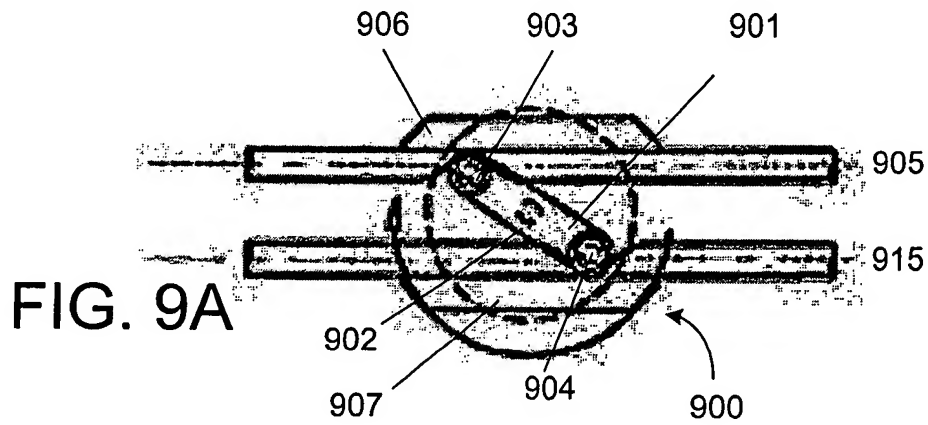


FIG. 10A

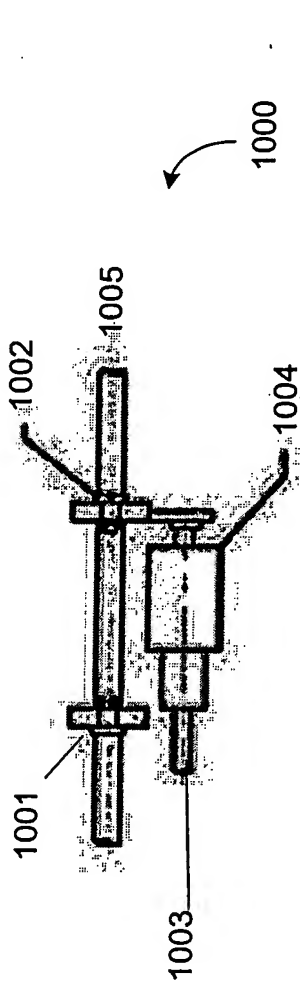


FIG. 10B

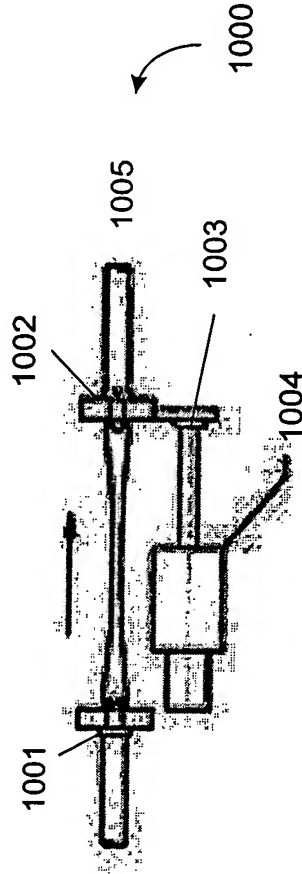


FIG. 10

FIG. 11A

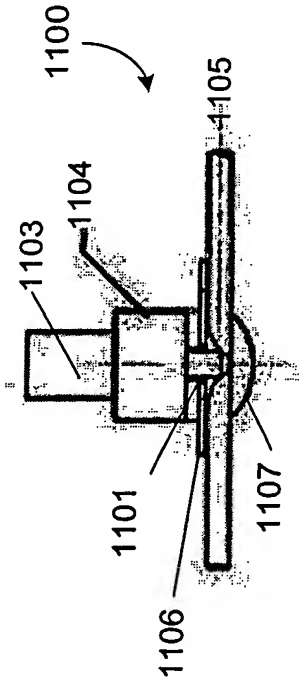


FIG. 11B

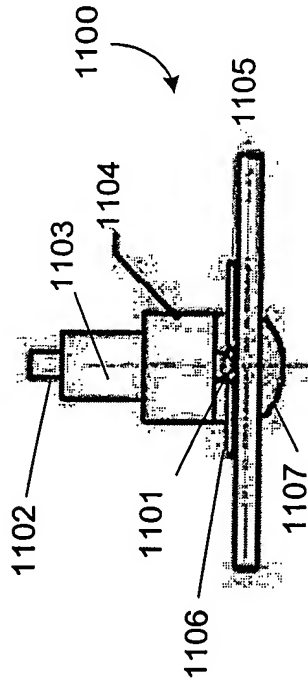


FIG. 11



FIG. 12A

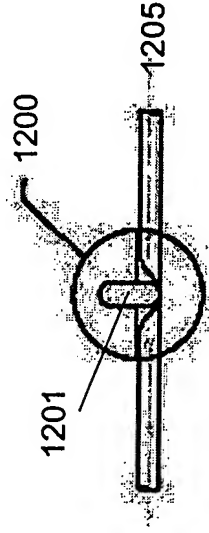


FIG. 12B

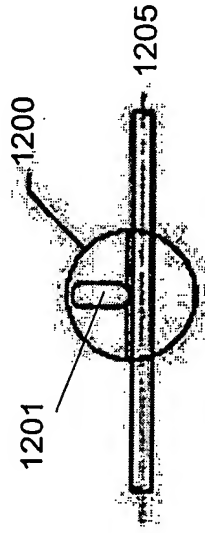


FIG. 12

FIG. 13A

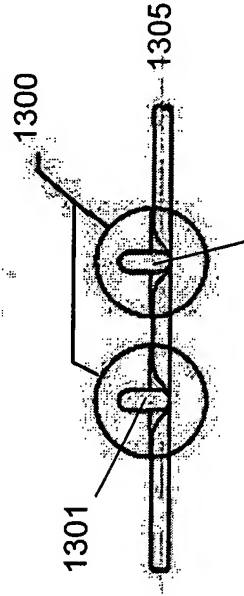


FIG. 13B

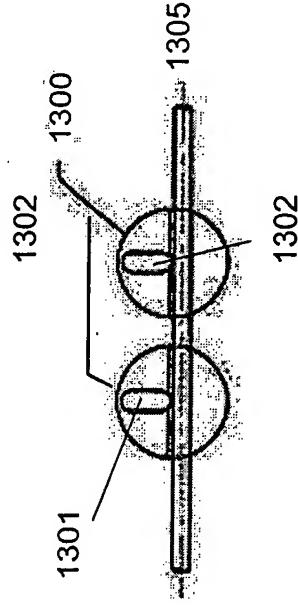


FIG. 13

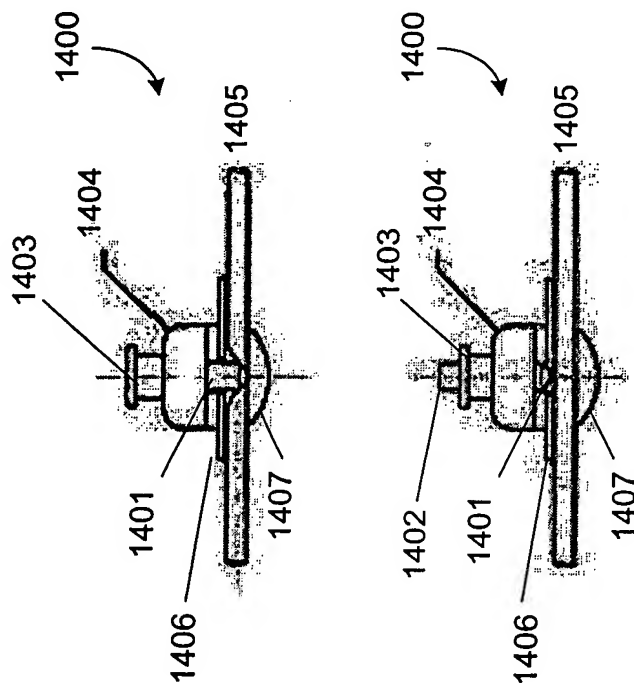


FIG. 14A

**FIG. 14B**

FIG. 14

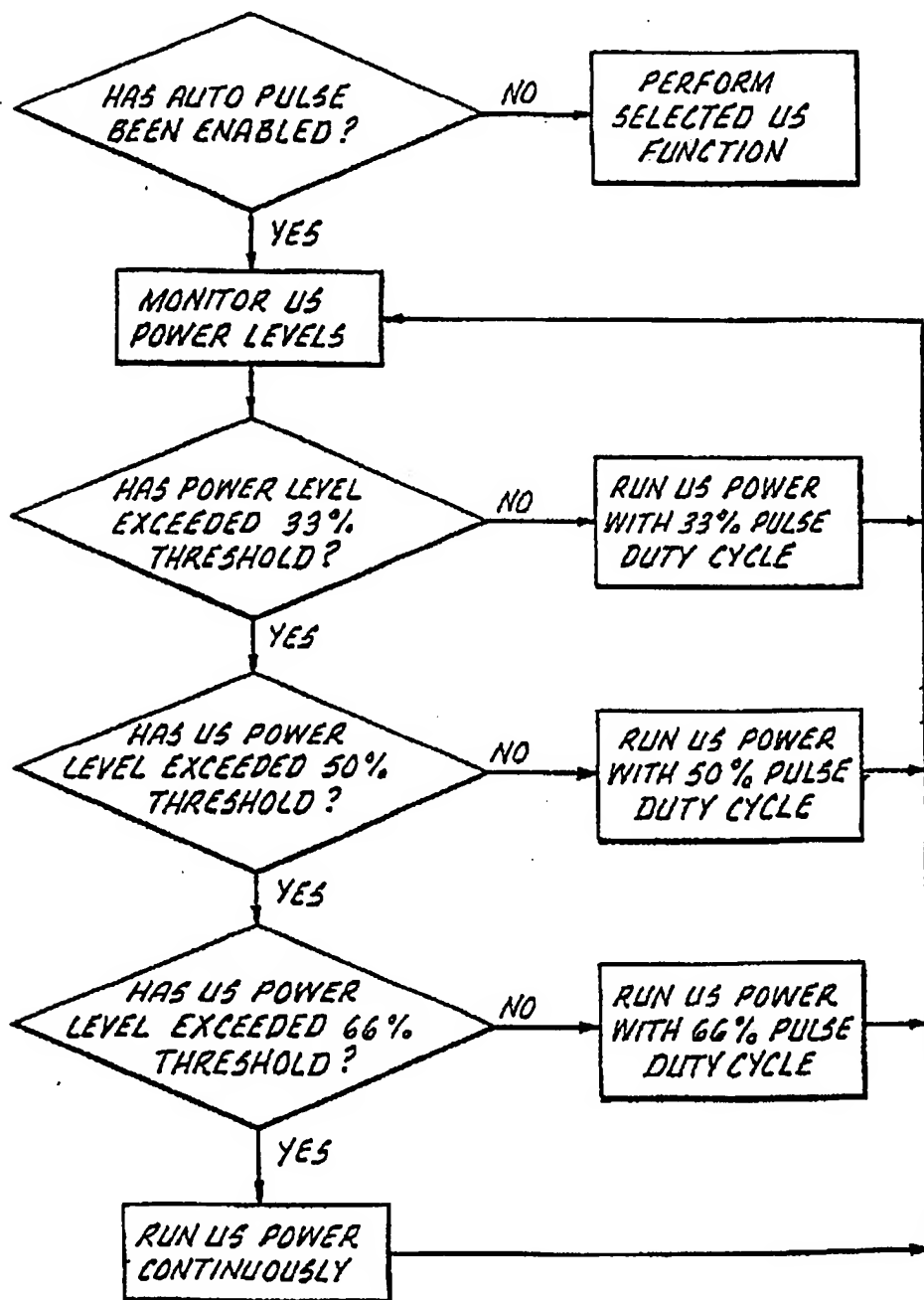


FIG. 15

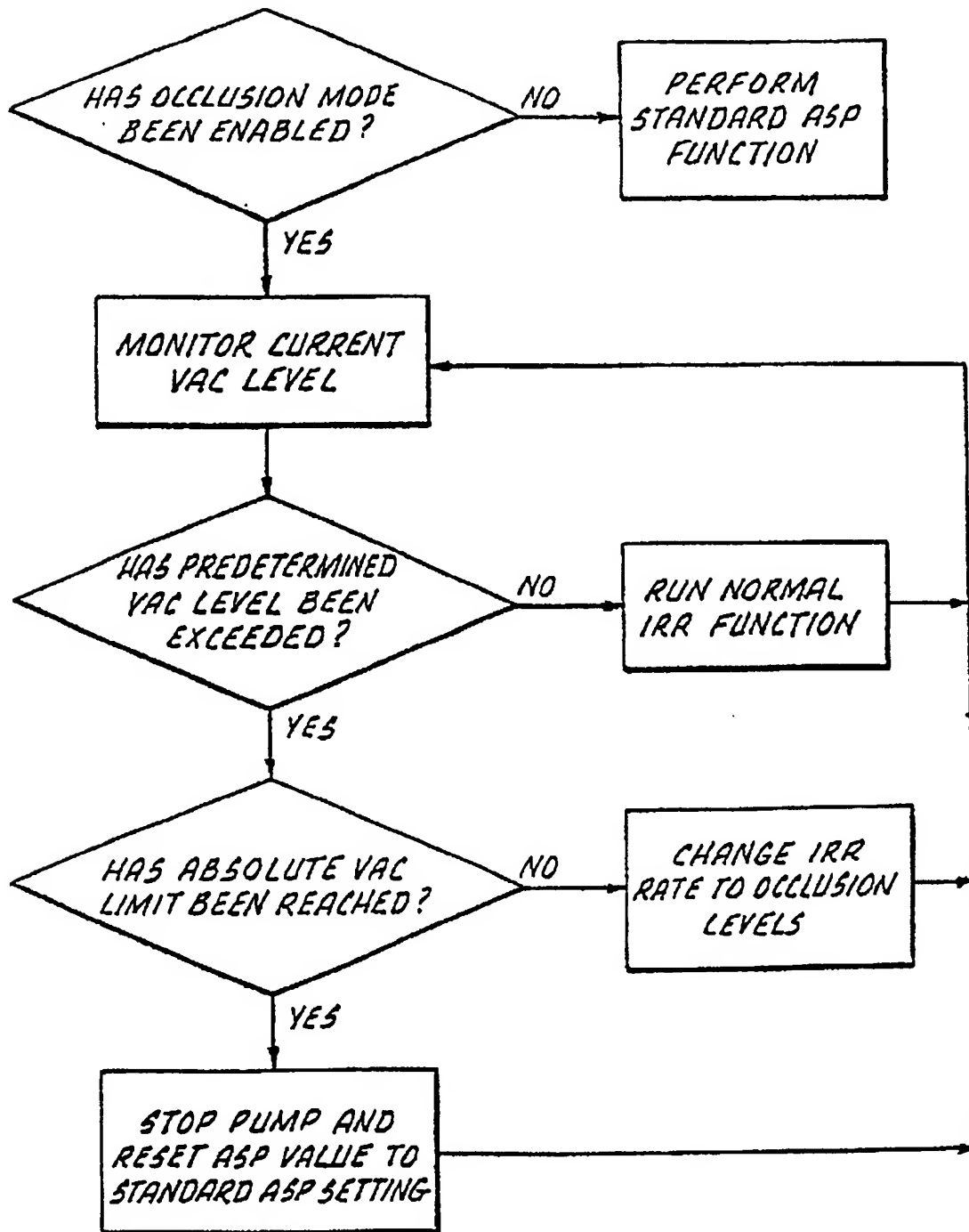


FIG. 16

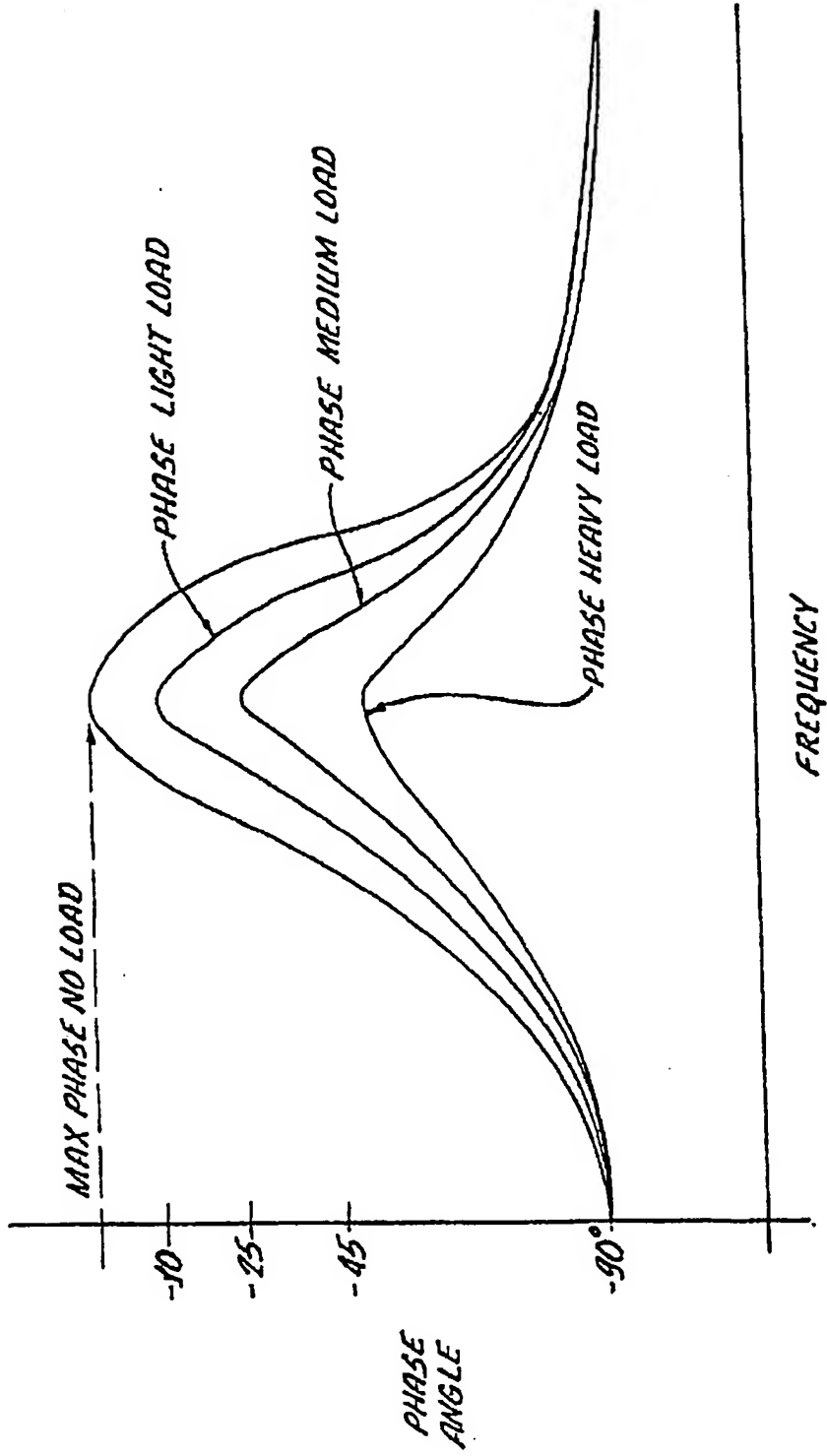


FIG. 17

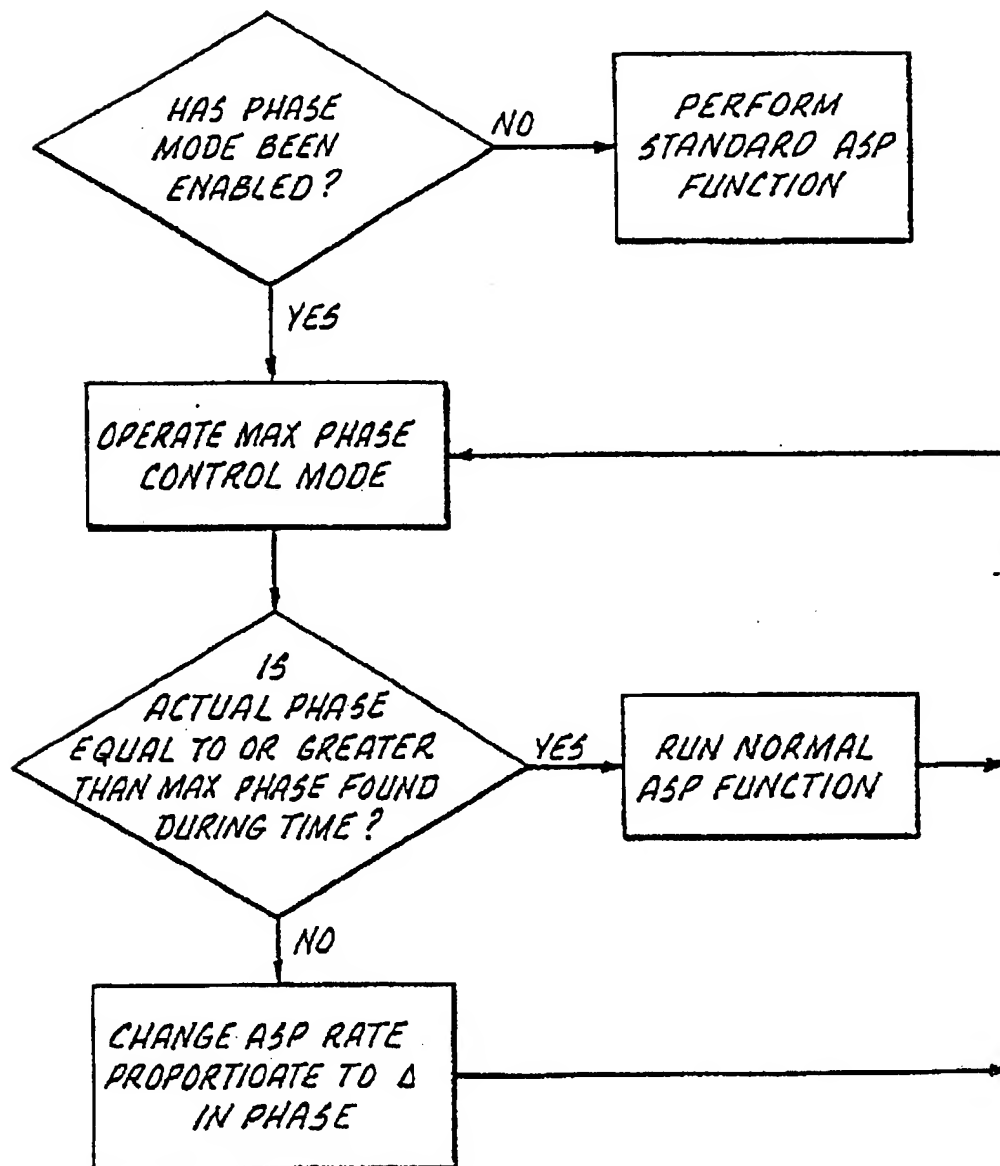


FIG. 18

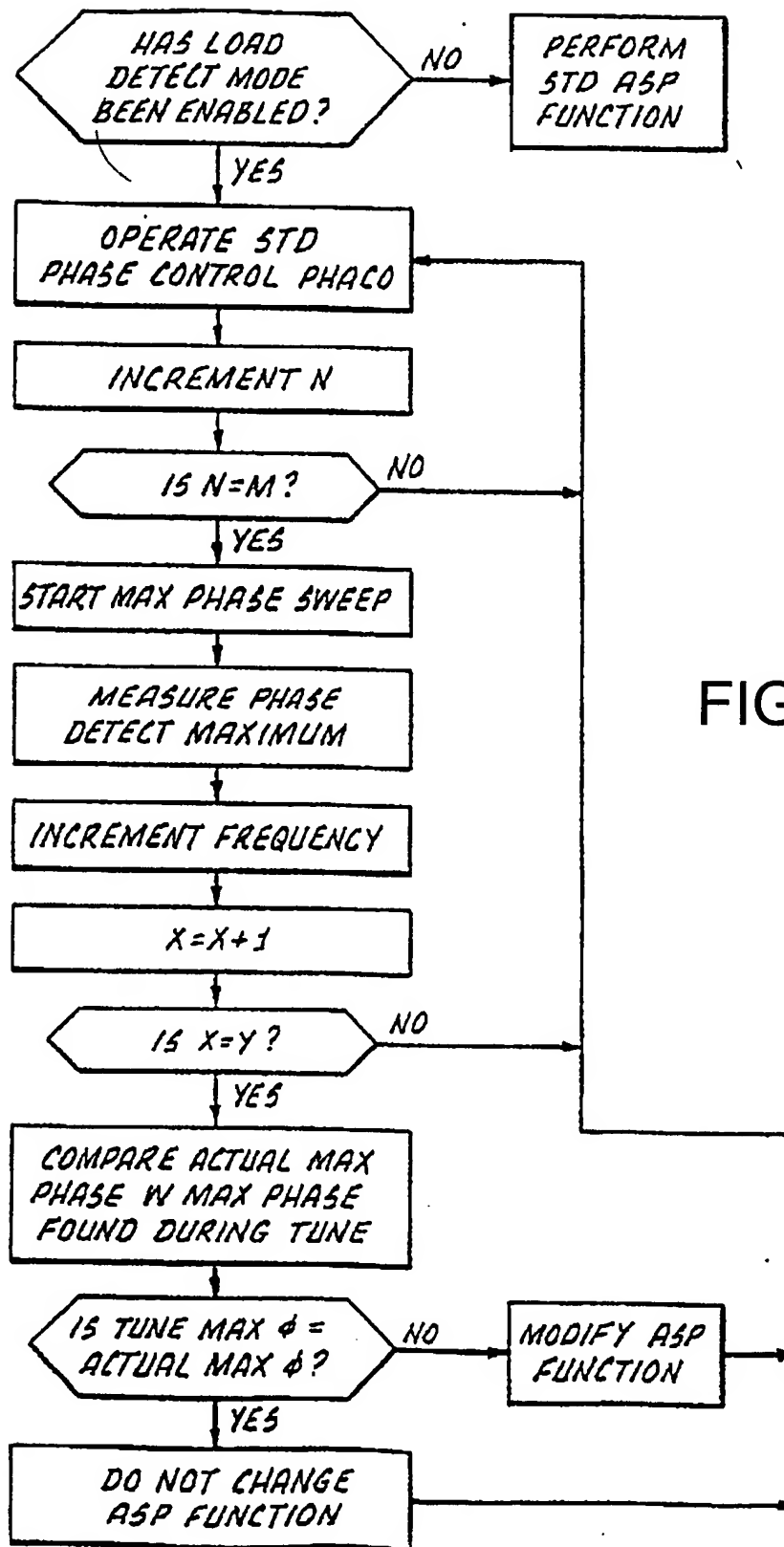
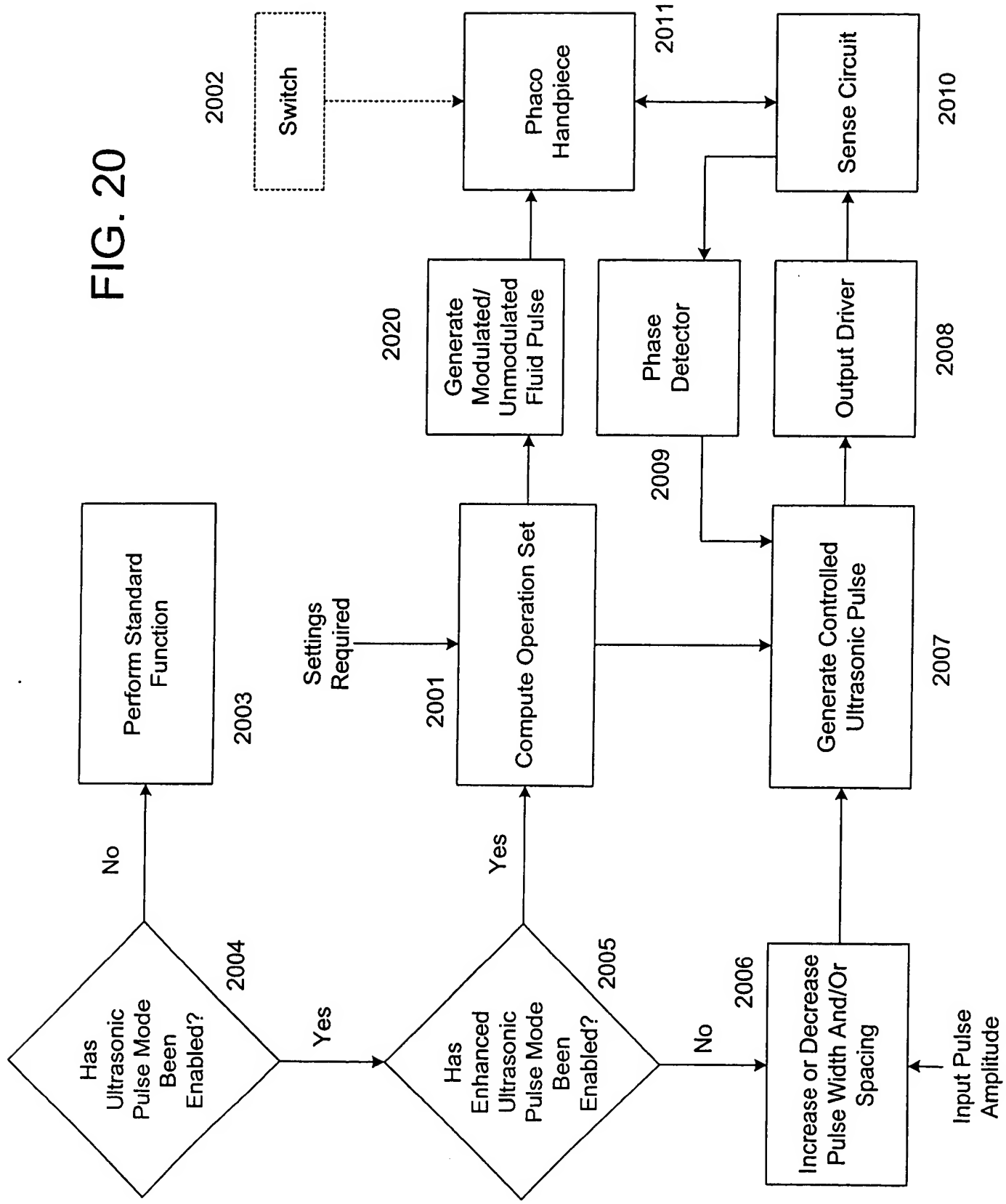


FIG. 19



FIG. 20



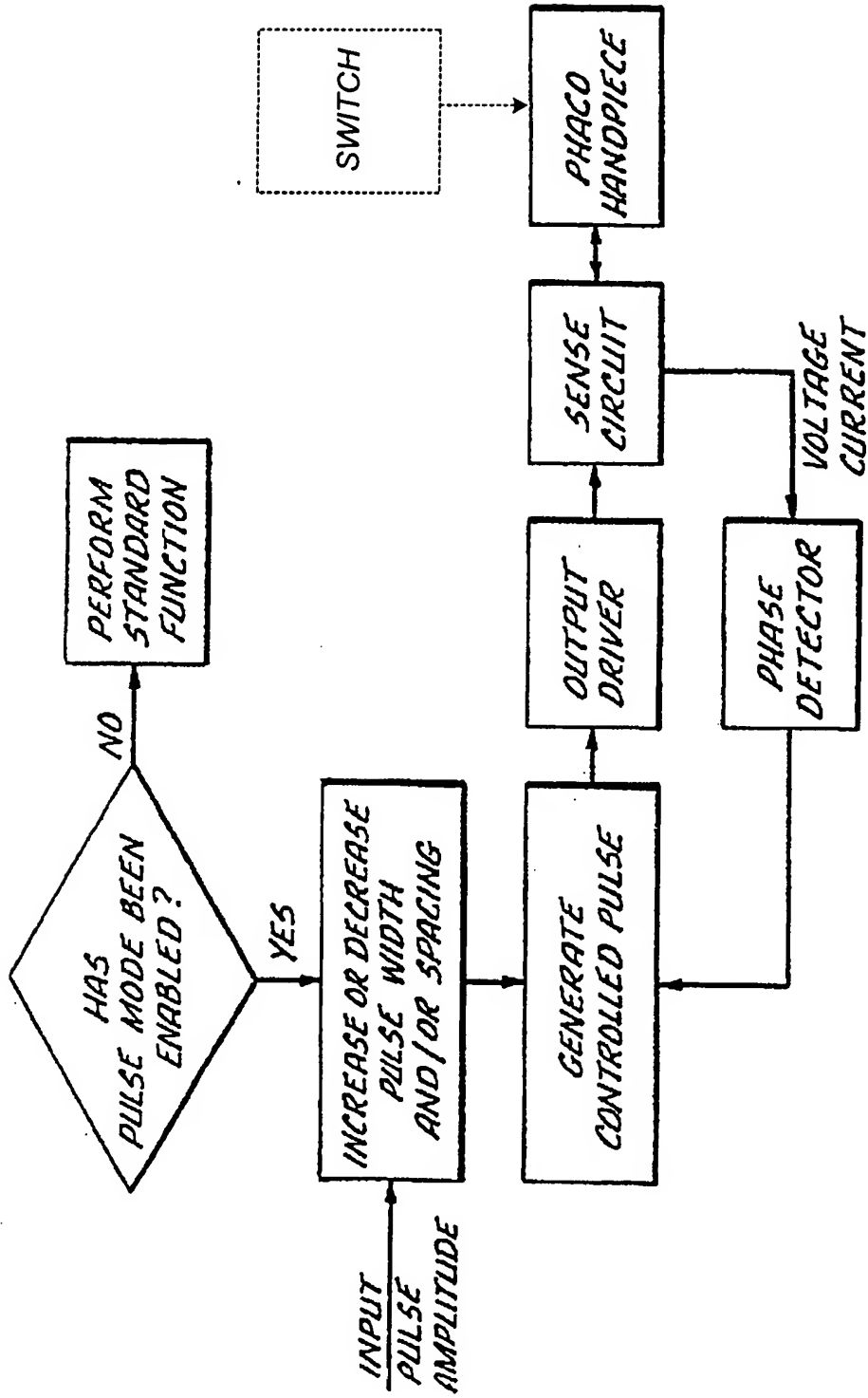
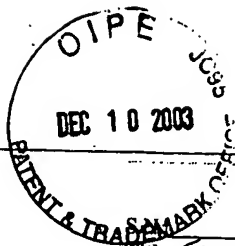


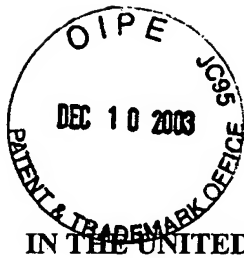
FIG. 21



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Title: SYSTEM AND METHOD FOR MODULATED SURGICAL...  
(Client Name) AMO

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<input type="checkbox"/> PCT Application Including:	<input type="checkbox"/> Issue Fee Transmittal
<input type="checkbox"/> Pps Spec. <input type="checkbox"/> Page Abstr <input type="checkbox"/> Claims	<input type="checkbox"/> Letter re <input type="checkbox"/>
<input checked="" type="checkbox"/> Application for Patent Including:	<input type="checkbox"/> Notice of Appeal
<u>51</u> <input checked="" type="checkbox"/> Pps Spec. <input checked="" type="checkbox"/> Page Abstr <u>86</u> Claims	<input type="checkbox"/> Petition for <input type="checkbox"/>
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**PATENT**  
Atty Docket AMO0007

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of  
MARK E. STEEN ET AL.  
Title: SYSTEM AND METHOD FOR  
MODULATED SURGICAL PROCEDURE  
IRRIGATION AND ASPIRATION  
Serial No.: Unassigned  
Filed: Concurrently

Group Art Unit: Unassigned

Examiner: Unassigned

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Date of Deposit: July 14, 2003

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Dear Sir:

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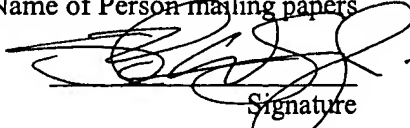
- ☒ Request for Filing Application
- ☐ Check in the amount of \$0 as a filing fee
- ☒ Patent application (51 pages of specification; 86 claims; 1 pages of abstract)
- ☒ 22 sheets of informal drawings
- ☒ Unexecuted Declaration and Power of Attorney
- ☐ Executed assignment, with Recordation Cover Letter and check in the amount of \$40
- ☒ Return postcard

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7/14/03  
Date of Deposit

Steven W. Smyrski  
Name of Person mailing papers

  
Signature